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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA, } 2:08-cr-161-PMP-GWF  
11 vs. } GOVERNMENT'S MOTION FOR  
12 CASEY LUCZAK, } DEADLINE TO RESPOND TO  
13 DEFENDANT. } DEFENDANT'S 28 U.S.C. § 2255  
14 MOTION

15 COMES NOW, the United States of America by and through its attorneys,  
16 DANIEL G. BOGDEN, United States Attorney, and ADAM FLAKE, Assistant United States  
17 Attorney, and respectfully requests this Court enter an order resetting the Government's  
18 deadline to respond to Defendant's 28 U.S.C. § 2255 motion to 30 days after Defendant's  
19 former counsel, David Farnham, provides the information requested in the Government's  
20 motion to waive the attorney-client privilege. The Government's response is currently due on  
21 April 16, 2012.

22 This order is sought for the following reasons:

23 1. Defendant has filed a 28 U.S.C. § 2255 motion to vacate, set aside or  
24 correct sentence by a person in federal custody, alleging his counsel, David Farnham  
25 provided ineffective assistance.

26 . . .

1                   2. Information from Defendant's former counsel, David Farnham, is necessary  
2 in order to respond to Defendant's allegations.

3                   3. The Government has filed a separate motion to waive the attorney-client  
4 privilege between Defendant and former counsel, David Farnham, whom Defendant alleges  
5 gave ineffective assistance. The Government needs the information requested from Farnham  
6 before it can respond to Defendant's 28 U.S.C. § 2255 motion.

7                   **WHEREFORE**, based on the foregoing, it is respectfully requested that this  
8 Court reset the Government's deadline for responding to Defendant's 28 U.S.C. § 2255  
9 motion to 30 days after Farnham provides the information requested in the motion to waive  
10 the attorney-client privilege.

11                   **DATED** this 9th day of March 2012.

12                   Respectfully submitted,

13                   DANIEL G. BOGDEN  
14                   United States Attorney

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16                   /s/ Adam M. Flake  
17                   ADAM M. FLAKE  
18                   Assistant United States Attorney

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA, )  
5 Plaintiff, )  
6 vs. )  
7 CASEY LUCZAK, )  
8 Defendant. )  
\_\_\_\_\_  
2:08-cr-161-PMP-GWF  
**ORDER STAYING GOVERNMENT'S  
DEADLINE TO RESPOND TO  
DEFENDANT'S 28 U.S.C. § 2255  
MOTION**

Based on the pending application of the Government, and good cause appearing,

12       **IT IS THEREFORE ORDERED** that the Government's deadline for responding  
13 to Defendant's 28 U.S.C. § 2255 motion is stayed until 30 days from the date Louis Palazzo  
14 provides the information requested in the Government's motion to waive the attorney-client  
15 privilege

**DATED:** this 28th day of March, 2012.

Philip M. Orr

**UNITED STATES DISTRICT JUDGE**

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the United States Attorney's Office, and is a person of such age and discretion as to be competent to serve papers.

That on March 9, 2012, she filed a copy of **GOVERNMENT'S MOTION FOR  
RESETTING GOVERNMENT'S DEADLINE TO RESPOND TO DEFENDANT'S 28 U.S.C.  
§ 2255 MOTION** by electronic mail and by U.S. Mail to the following:

**Casey Luczak**  
42940-048  
HAZELTON  
U.S. PENITENTIARY  
Inmate Mail/Parcels  
P.O. Box 2000  
Bruceton Mills, WV 26525

/s/ Terrie Murray  
TERRIE MURRAY  
Legal Assistant